

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL L. OVERTON,  
Plaintiff,  
v.  
WARDEN C.H.C.F., et al.,  
Defendants.

No. 2:21-cv-1383 DB P

ORDER AND FINDINGS AND  
RECOMMENDATIONS

Plaintiff is a state prisoner proceeding pro se with a civil rights action under 42 U.S.C. §1983. In an order filed August 9, 2021, this court ordered plaintiff to either pay the filing fee or file a motion to proceed in forma pauperis within 30 days. (ECF No. 3.) Plaintiff was cautioned that failure to comply with the August 9 order or seek an extension of time to do so would result in a recommendation that this action be dismissed.

Thirty days have passed and plaintiff has not paid the filing fee, filed a motion to proceed in forma pauperis, or otherwise responded to this court's August 9 order.

Accordingly, the Clerk of the Court is HEREBY ORDERED to randomly assign a district judge to this case; and

IT IS RECOMMENDED that this action be dismissed for plaintiff's failure to prosecute and failure to comply with court orders. See E.D. Cal. R. 110; Fed. R. Civ. P. 41.

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1           These findings and recommendations will be submitted to the United States District Judge  
2 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within thirty days after  
3 being served with these findings and recommendations, plaintiff may file written objections with  
4 the court. The document should be captioned "Objections to Magistrate Judge's Findings and  
5 Recommendations." Plaintiff is advised that failure to file objections within the specified time  
6 may result in waiver of the right to appeal the district court's order. Martinez v. Ylst, 951 F.2d  
7 1153 (9th Cir. 1991).

8 Dated: September 29, 2021

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11 DEBORAH BARNES  
12 UNITED STATES MAGISTRATE JUDGE  
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